

REMARKS

Claims 2-5, 7-11, 14-17, 19-28, and 30-36 are pending in the Application and are now presented for examination. Claims 2-5, 7, 10, 14-17, 19, 22, 24, and 31 have been amended. Claims 1, 6, 12, 13, 18, and 29 have been cancelled, without prejudice and without disclaimer of subject matter. No new matter has been added.

Claims 10, 22, 24 and 31 are independent.

Claim Rejections – 35 U.S.C. §101

On page 5 of the Office Action, Claims 1-36 are rejected under 35 U.S.C. §101 on grounds that the claimed invention is directed to non-statutory subject matter. Independent Claims 10, 22, 24 and 31 have been amended as suggested by the Examiner to direct the elements of concern toward a “non-transitory” storage medium to overcome the rejections under 35 U.S.C. §101. It is believed that the amendments to independent Claims 10, 22, 24 and 31 overcome this rejection. Applicants therefore request that this rejection be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for the indication in the Office Action dated 02/22/2010 that Claims 10 and 22 would be allowable if rewritten to include the limitations of their respective base claims and any intervening claims. Claims 10 and 22 have been so rewritten. Specifically, the features of Claims 1 and 6 have been incorporated into Claim 10, and the features of Claims 12, 13, and 18 have been incorporated into Claim 22. Hence, Claims 10 and 22 are now in condition for allowance.

The Examiner further indicated that Claim 24 would be allowable if amended the same was as Claim 12. Applicants presume this means that Claim 24 would be allowable if amended similarly to allowable Claim 22. Accordingly, Claim 24 has been amended based on the subject matter of allowable Claim 22. Claim 24 is therefore believed in condition for allowance.

In the Office Action, the Examiner further indicated that Claims 31-36 would be allowable if the rejection of these claims under 35 U.S.C. §101 is overcome. Accordingly, independent Claim 31, from which Claims 32-36 depend, has been amended to recite a “non-transitory” computer usable medium. Hence, Claims 31-36 are believed allowable.

Claim Rejections – 35 U.S.C. §103

On page 6 of the Office Action, Claims 1-9, 11-21, and 23-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,681,232 to Sistanizadeh *et al.* (“Sistanizadeh”). Claims 1, 6, 12, 13, 18, and 29 have been cancelled, thereby rendering the rejection of these claims moot.

Claims 2-5, 7-8, 9, 11, 14-17, 19, 20-21, 23, 30 and 32-36 are each dependent either directly or indirectly from one or another of independent Claims 10, 22, 24 and 31, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim objections are believed to have been overcome placing the pending Claims in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

Date: June 14, 2010

By: /Alan M. Weisberg/

Alan M. Weisberg
Reg. No.: 43,982
Attorney for Applicants
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
Fax: (954) 828-9122
email: ptomail@cwiplaw.com

218592